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From left, Erie County Legislator Lynn Marinelli, Legislature staff member Bill Pauly, Legislator Maria Whyte, Legislator Thomas Loughran, Legislator Betty Jean Grant and County Comptroller Mark Poloncarz gather for an informal meeting during a recess Tuesday in County Hall.

Derek Gee / Buffalo News

'Let us not forget county executive's veto pen'

Legislature acts to aid library, arts

Pushes Back On Collins' Budget Plan

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The Erie County Legislature snapped its logjam on a 2011 budget Tuesday by restoring \$4 million in support for the busy library system and renewing grants for an array of arts groups that would have collected no county dollars next year under the county executive's proposal.

In a surprise, the library allocation drew unanimous Legislature support as the six-member Republican bloc broke from County Executive Chris Collins.

Collins had wanted to drop the county's contribution to the libraries to \$18 million, from \$22 million, next year. But amid a public backlash, the Republicans teamed with rarely united Democrats to deliver the full \$22 million.

The would-be recipients, however, should not count on the money just yet. Collins, who never likes it when the Legislature messes with his budgets, vowed vetoes and other steps to nullify what lawmakers did.

"Absolutely there are going to be some vetoes," he told reporters in his 16th-floor office Tuesday evening as county lawmakers went home. "Whether we veto everything or not will be something we will talk to our commissioners about."

But he added: "Whatever I do, I will look at cutting the funding for the libraries last. I will cut the culturals before I cut funding to the libraries."

The grants for dozens of cultural agencies were approved by at least a two-thirds majority of lawmakers -- required to also override a county executive's veto. But it was unclear whether the six Republicans who voted for more library aid, and the fewer numbers of Republicans who voted to give more money to certain museums, theaters and other county attractions, would vote to override the Republican county executive's vetoes in coming days.

While the Republicans voted to restore support to many recipients, the final budget package was approved only in a 9-6 party line vote won by the Democrats.

Collins said he fears the Legislature -- in "pretending that money grows on trees" -- might have inadvertently necessitated a tax increase, whereas his proposed budget kept the rate at \$5.03 for every \$1,000 of assessed value.

The authors of the Legislature's package insist that's not the case. They said their plan actually spends \$101,000 less than the more than \$1 billion budget Collins gave them for 2011.

It looks like another Erie County budget battle is brewing.

"The Erie County taxpayers were not well served today," Collins said. "What we saw across the street was politics at its worst." He said lawmakers financed their extra spending with unwise cuts elsewhere -- from the fund to maintain coolers at the morgue, for example.

"Governing by lawsuit is no way to govern," Majority Leader Maria R. Whyte, D-Buffalo, said during the floor debate, responding to the Collins team's threat, delivered earlier in the day, to veto or declare null and void much of the Legislature's work.

"The bottom line is that this package does not raise taxes in any way," she said.

Four Republican-bloc lawmakers voted with nine Democrats to return three internal auditors to County Comptroller Mark C. Poloncarz's department. Collins wanted to gut the auditing staff because he didn't believe its reports were worth the money.

The Legislature returned a total 14 of jobs to Poloncarz's unit, but he received Republican votes for just the three auditors.

A coalition to alter Collins' budget jelled late Tuesday afternoon when West Seneca Democrat Christina W. Bove agreed to vote for the amendments designed largely by Majority Leader Whyte and Legislator Lynn M. Marinelli, D-Town of Tonawanda.

When Bove joined seven other Democrats on the Whyte-Marinelli package, Legislature Chairwoman Barbara Miller-Williams, D-Buffalo, saw that her more moderate package of restorations was doomed, and she voted with the Democratic bloc as well.

The Democrats united to redirect \$1.2 million more toward the arts, and in each case a 10th vote came from Republican Legislator Kevin R. Hardwick of the City of Tonawanda. However, Hardwick said he will not vote to override a veto if Collins convinces him that the extra spending translates into a tax increase.

The Democrats gave each cultural organization the same amount the Legislature gave it for 2010, even though Collins has not yet agreed to pay out the total value of this year's cultural aid.

The Legislature's marathon session began at 1:15 p.m. but was immediately recessed for more behind-the-scenes bridge-building. It played out amid the threat that Collins will whip his veto pen across many of the Legislature's decisions. "Folks, let us not forget the county executive's veto pen," Miller-Williams warned. "We are only halfway through the process."

Under the county's rules, the county executive can veto the Legislature's additional spending, not its reductions. But in past budget fights, Collins and his team have declared certain Legislature deletions "null and void" because he says they violate other county rules and cannot be followed.

Indeed, Collins was advancing such an argument within minutes of the Legislature session. For example, he said the Legislature financed \$2 million of its additional spending by shifting \$2 million from a multimillion-dollar fund used to pay for employee fringe benefits.

But the Legislature did not also cut the number of employees, so he believes a judge's decision rendered in a case over the 2009 budget -- *Marinelli v. Collins* -- will back him up in declaring the use of that \$2 million unlawful.

Collins' budget proposal laid off more than 200 employees, and the Legislature barely blunted those layoffs.

Aside from the jobs restored in the County Comptroller's Office, lawmakers restored just 13 jobs as a symbolic nod to certain county services: three building guards, a parks superintendent, two probation officers, two pest-control workers, two pathology lab technicians, two pregnancy-prevention specialists and a registered nurse focused on sexually transmitted diseases.

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